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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR          | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------------|---------------------|------------------|
| 09/635,330      | 08/09/2000  | Luis Eduardo Gutierrez-Sheris | Unisphere-13/2      | 5198             |

7590 05/05/2005

RONALD SCHWARTZMAN, ESQ.  
UNITELLER FINANCIAL SERVICES, INC.  
218 ROUTE 17 NORTH, SUITE 402  
ROCHELLE PARK, NJ 07662

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| EXAMINER |
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KARMIS, STEFANOS

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3624

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/635,330 | <b>Applicant(s)</b><br>GUTIERREZ-SHERIS, LUIS<br>EDUARDO |  |
|                              | <b>Examiner</b><br>Stefano Karmis    | <b>Art Unit</b><br>3624                                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This communication is in response to Applicant's amendment filed on 02 February 2005.

#### ***Status of Claims***

2. Claims 1-32 are previously presented. Therefore claims 1-32 are under prosecution in this application.

#### ***Response to Arguments***

3. Applicant's arguments, filed 02 February 2005, with respect to the rejection(s) of claim(s) 1-32 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as discussed below. Any arguments with respect to the claims are considered moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary et al. (hereinafter O'Leary) U.S. Patent 6,609,113 in view of Downing et al. (hereinafter Downing) U.S. Patent 5,963,647 in further view of Tadesco et al. (hereinafter Tadesco) U.S. Patent 6,085,888.

Regarding independent claims 1, 8, 14, 18 and 24, O'Leary teaches a method for transferring a sum of money from a customer to a beneficiary via a money-transfer company, a network of money dispensing machines and a plurality of distributors of money pick-up devices and corresponding personal codes capable of selective operations of said money dispensing machines, said method comprising: collecting said sum of money, via said money-transfer company, from a customer for transfer to a beneficiary (column 23, lines 9-22); activating one of

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said money pick-up devices and generating a corresponding personal code, via said distributor and said money-transfer company (column 23, lines 23-34 and column 22, lines 15-44), giving said beneficiary an activated money pick-up device (column 23, lines 23-34 and column 22, lines 15-44) and operating one of said money dispensing machines to collect said sum of money via said beneficiary using said activated one of said money pick-up devices and said corresponding personal code (column 22, lines 47-56 and column 22, lines 22-33).

O'Leary fails to teach providing the beneficiary with a pick-up code. Downing teaches a method and system for transferring funds from an account to an individual in which a beneficiary utilizes a reference number and secret code provided by the sender to access the transferred funds (column 7, lines 29-42). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of O'Leary and include having the sender provide the beneficiary with a pick-up code as taught by Downing because it provides a security measure so that only the designated recipient can access the transferred funds.

O'Leary teaches obtaining a money pick-up device from a distributor such as a vending machine (column 23, lines 23-34 and column 22, lines 15-44) and associating the card with the receiver upon purchasing the card (column 21, lines 30-44). O'Leary and Downing fail to teach that the money pick-up device is obtained with a pick-up code. Tadesco teaches a method and apparatus for establishing and managing vending machines in which items may be purchased from a vending machine by entering an identification code (column 4, lines 13-28). Therefore it would have been obvious to one of ordinary skill in the art, that the teachings of O'Leary and Downing could have been modified to include a pick-up code entered into a vending machine as taught by Tadesco because it would provide an efficient manner for the intended beneficiary to

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obtain the money pick-up device securely by entering the pick-up code received from the sender during an electronic transfer of funds.

Claims 2, 9, 25, 27 and 29, O'Leary teaches the personal code is pre-assigned (column 22, lines 13-21).

Claims 3-5 and 10-12, O'Leary fails to teach providing the beneficiary with a unique device identification pick-up code. Downing teaches a method and system for transferring funds from an account to an individual in which a beneficiary utilizes a reference number and secret code provided by the sender to access the transferred funds (column 7, lines 29-42). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of O'Leary and include having the sender provide the beneficiary with a pick-up code as taught by Downing because it provides a security measure so that only the designated recipient can access the transferred funds.

Claims 6, 13 and 16, O'Leary teaches activating of money pick-up device (column 22, lines 12-21).

Claims 7 and 17, O'Leary teaches that the input/output devices are ATM machines (column 22, lines 3-11).

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Claims 19, 20 and 26, O'Leary teaches identifying the beneficiary by the customer (column 23, lines 9-22). O'Leary fails to teach providing the beneficiary with a pick-up code. Downing teaches a method and system for transferring funds from an account to an individual in which a beneficiary utilizes a reference number and secret code provided by the sender to access the transferred funds (column 7, lines 29-42). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of O'Leary and include having the sender provide the beneficiary with a pick-up code as taught by Downing because it provides a security measure so that only the designated recipient can access the transferred funds.

Claim 21, O'Leary teaches providing the recipient with a PIN after receipt of the fund pickup number by the distributor and the dispensing money step is carried out only upon receipt by the money dispensing machine of the personal code (column 22, lines 13-56).

Claims 22 and 28, O'Leary teaches supplying the activated card to the recipient (column 22, lines 13-56).

Claim 23, O'Leary teaches obtaining a money pick-up device from a distributor such as a vending machine (column 23, lines 23-34 and column 22, lines 15-44) and associating the card with the receiver upon purchasing the card (column 21, lines 30-44). O'Leary and Downing fail to teach that the money pick-up device is obtained with a pick-up code. Tadesco teaches a method and apparatus for establishing and managing vending machines in which items may be

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purchased from a vending machine by entering an identification code (column 4, lines 13-28).

Therefore it would have been obvious to one of ordinary skill in the art, that the teachings of O'Leary and Downing could have been modified to include a pick-up code entered into a vending machine as taught by Tadesco because it would provide an efficient manner for the intended beneficiary to obtain the money pick-up device securely by entering the pick-up code received from the sender during an electronic transfer of funds.

Claims 30-32, O'Leary teaches the step of activating one of said money pick-up devices includes the step of the distributor selecting a money pick-up device from an inventory of money-pick up devices, and activating the money pick-up devices selected from the inventory (column 22, lines 13-56).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-0315.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
21 April 2005



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600